

1  
2  
3  
4  
5                   **UNITED STATES DISTRICT COURT**  
6                   **DISTRICT OF NEVADA**  
7

8                   UNITED STATES OF AMERICA,  
9                   Plaintiff,  
10                  v.  
11                  PARIS CHERER,  
12                  Defendant.

2:05-CR-325 JCM (LRL)

14                   **ORDER**

15         Presently before the court is petitioner Paris Cherer's motion to reconsider this court's prior  
16 ruling (doc. #127) denying his motion to vacate sentence and for an evidentiary hearing. (Doc.  
17 #141). The government has not filed a response.

18         Motions for reconsideration "should not be granted, absent highly unusual circumstances." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). These circumstances are  
19 present where "the district court is presented with newly discovered evidence, committed clear error,  
20 or if there is an intervening change in the controlling law." *Id.* Petitioner's motion fails to persuade  
21 this court that any of these circumstances exist in the present case.

22         This court has previously granted certificates of appealability regarding its decision on  
23 petitioner's § 2255 motion to vacate. Petitioner is free to seek redress with the Ninth Circuit.

24         ...  
25         ...  
26         ...  
27         ...  
28

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that petitioner's motion for reconsideration (doc. #141) be, and the same hereby is, DENIED.

DATED May 2, 2012.

*Xenia C. Mahan*  
**UNITED STATES DISTRICT JUDGE**